

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, OCTOBER 20, 2011, 3:00 P.M.**

CALL TO ORDER

Gary Goodchild, Chairperson, called the meeting to order at 3:00 p.m.

Commission

Members Present:	Gary Goodchild	Bill Mitchell	Pat Haukohl (arrived at 3:10)
	Walter Kolb	Jim Siepmann	Fritz Ruf

Commission

Members Absent:	Bob Peregrine	Fritz Ruf
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Staff

Members Present:	Jason Fruth, Planning and Zoning Manager
	Elfriede Sprague, Clerk Typist III

Guests Present:	Dean Richards	CZ-1721
	James Chapman	CZ-1721
	Irene Boschuetz	CZ-1663A
	Scott Littell	CU-0550B (US Cellular)
	Bill Canfield	SCU-742C (Phantom Lake YMCA Camp)

CORRESPONDENCE: None.

MEETING APPROVAL: None.

PUBLIC COMMENT:

Chairperson Goodchild asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

• CZ-1721 (James Chapman) Town of Oconomowoc, Section 26 (B-2 Local Business District to the Conditional B-3 General Business District)

Mr. Fruth presented the "Staff Report and Recommendation" dated October 20, 2011, and made a part of these Minutes. He pointed out the location of the property, at W359N5740 Brown St. in the Town of Oconomowoc on the aerial photograph.

Mr. Fruth explained the owner has proposed a conditional rezoning of his property from the B-2 Local Business District to the B-3 General Business District to allow for a tactical laser tag facility with associated retail sales and video game uses. As this is not an allowed use in the B-2 District, the Town and the County have determined that the proposed use fits under the B-3 category of "*theaters, dance halls, arcades, video game parlors, and other amusement places*". The Town was not interested in considering the full range of B-3 uses, because some of those uses can be very intensive, such as car dealerships, etc., so they have recommended approval of the rezone to the B-3, solely for the laser tag use.

At the time of application, there was a party interested in leasing the building for this use; however, since then the parties have not been able to agree on lease terms. Even though there is no longer a pending proposed operation, the owner of the property still wishes to proceed with the request as other persons have approached him regarding leasing the property for the same use. Mr. Fruth identified the area on the aerial photograph and pointed out some commercial uses to the north and west of the property and the residential properties to the east and south. It was noted that extensive landscaping exists on the petitioner's property and the abutting properties, making it well screened from view. The main parking area to the west is also well buffered from the residential uses. There were no comments from the public at the hearing itself, however a couple of comments

occurred at the Plan Commission meeting. There was specific concern about grading and parking lot expansion that was occurring in the north part of the property. Concern was expressed that the parking was going over the top of the septic system, however that has been found to not be the case. The owners have since been in communication with County Staff to rectify that situation. A variance was also issued in 1996 that authorized a reduction in the number of parking stalls required. As a retail operation, this use at 7 stalls per 1,000 sq. ft. would have required more than double the provided parking.

Mr. Fruth continued that the proposal is not for any specific user at this time, it is just to allow the use itself to be accepted as being allowable. The Town's approval is explicit to the laser tag use only. Mr. Mitchell pointed out that later, when a specific proposal is presented, the owner needs to be aware that the parking may be addressed through the Site Plan and Plan of Operation process.

Atty. Dean Richards replied that parking is mapped out for 74 stalls and believes that once the final plans of a proposal are set forth, they should be adequate. He confirmed that they did have a tenant that was interested in operating a laser tag operation and that has since fallen through. Now Mr. Chapman is considering the possibility of either a similar tenant, doing it himself or other possible uses. If he were to go into other amusement uses, he recognizes he would have to get further approvals. However, he did want to proceed with the rezoning, so in the future all that would be needed is Site Plan and Plan of Operation approval. Mr. Richards expressed concern that the Resolution did not identify as an accepted use, the retail sales and video games/arcade which are proposed to be in the corner of the operation. Mr. Fruth replied that retail sales are allowed in the underlying B-2 District, and it is difficult say what would be acceptable without a specific proposal being presented. Because the Town only acted on the laser tag proposal, Staff does not want to change what the Town approved. County Staff feels that accessory uses above and beyond the laser tag need to be addressed during the Site Plan and Plan of Operation process. Mr. Fruth noted that he did believe that accessory uses could be authorized if acceptable to Town County Planning Staff.

After discussion Mr. Siepmann moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• CZ-1663A (Irene Boschuetz Trust) Town of Oconomowoc, Section 20

Fruth presented the "Staff Report and Recommendation" dated October 20, 2011, and made a part of these Minutes. He pointed out the location of the property, immediately south of S.T.H. 16/67 and east of Pennsylvania St. in the Town of Oconomowoc on the aerial photograph and indicated the request is to amend a condition of a previous approval to extend the timeframe to develop the property for an additional five (5) years.

Mr. Fruth explained the current rezone on the property states the property will revert to its original zoning if the property is not developed within 3 years. Mrs. Boschuetz has made progress in moving forward towards the development, however due to economic conditions, she is looking for an extension of the rezone deadline. The County feels the project is well designed and is moving forward, therefore the County is recommending the deadline be extended an additional 5 years. They have received a Condominium Plat and her engineers have worked with the County Environmental Health and Land Resources Divisions on storm water management and site plans. There is a Conditional Use on the property for a Planned Unit Development that will also have to be extended along with the Town deadlines. Mrs. Haukohl asked if any of the buildings have been started to which Mr. Fruth replied, "No" they have not. She asked if there was a time limit assigned to the completion of the buildings. Mr. Fruth replied that Mrs. Boschuetz had specifically asked if she could phase the project and to put a completion date to the phases of the project could create a financial burden, however the Storm Water Management Plan for the whole area would have to be completed before Building 1 could be started.

After discussion Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-742C (Phantom Lake YMCA Camp, Inc.) Town of Mukwonago, Section 34**

Mr. Fruth presented the “Staff Memorandum” dated October 20, 2011, and made a part of these Minutes. He pointed out the location of the property, at S110W30240 YMCA Camp Rd. in the Town of Mukwonago on the aerial photograph and indicated the request is to modify the Conditional Use amendment, to permit a proposed 24 ft. x 24 ft. maintenance/storage building to be increased in size to 30 ft. x 36 ft.

Mr. Fruth explained that original request to construct the building was approved on October 7, 2010, with the condition that:

“Any proposed change or modification determined by the Town of Mukwonago Plan Commission and the Waukesha County Park and Planning Commission to be minor and consistent with the Conditional Use Permit may be authorized by an amendment to the Site Plan/Plan of Operation and will not require an amendment to the Conditional Use Permit. Any proposed change or modification determined to be substantial and not consistent with the Conditional Use Permit by the Town of Mukwonago Plan Commission or the Waukesha County Park and Planning Commission shall require an amendment to the Conditional Use, and all procedures in place at the time must be followed”

A request has been received to change the size of the previously approved maintenance/storage building, to 30 ft. x 36 ft. which is in the same location as the previously approved building. At their meeting of October 5, 2011, the Town of Mukwonago Plan Commission reviewed the request and determined that the change is minor and consistent with the spirit and intent of the Conditional Use Order and, therefore, does not require an amendment to the Conditional Use or a formal amendment to the Site Plan/Plan of Operation. The Planning and Zoning Division Staff concurs with their decision.

After discussion, Mr. Mitchell moved, seconded by Mr. Kolb, and carried by a unanimously for approval, to permit a proposed 24 ft. x 24 ft. maintenance/storage building to be increased in size to 30 ft. x 36 ft. in accordance with the “Staff Memorandum” without an amendment to the Conditional Use Permit. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-10-MUKT-1 (Phantom Lake YMCA Camp, Inc.) Town of Mukwonago, Section 34**

Mr. Fruth presented the “Staff Report and Recommendation” dated October 20, 2011, and made a part of these Minutes and stated the request is related to the previous SCU-742C.

After discussion, Mr. Siepmann moved, seconded by Mrs. Haukohl, and carried by a unanimously for approval, to permit a proposed 24 ft. x 24 ft. maintenance/storage building to be increased in size to 30 ft. x 36 ft. in accordance with the “Staff Memorandum” without a formal amendment to the Site Plan and Plan of Operation. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-0550B (US Cellular) Town of Vernon, Sections 8, 9 and 17**

Mr. Fruth presented the “Staff Report and Recommendation” dated October 20, 2011, and made a part of these Minutes. He pointed out the location of the property, in the Town of Vernon on the aerial photograph and indicated the request is to increase the number of antennae at 90 ft. from six (6) to nine (9) on the existing telecommunications monopole, add a concrete pad and cabinet, add an ice bridge section with a remote radio unit rack, and add a utility rack with a generator port.

Mr. Fruth explained some of the history of the existing tower. The monopole tower is 100 ft. in height and dates back to 1983. It is located on the Morningstar Golfcourse property with several residential lots in the area. He explained the site does not have a generator and part of the proposal is to allow a portable generator to be brought to the site if needed. Mr. Littell, representing the US Cellular, stated the battery life on the tower is only eight hours and if there is a power outage the generator will be brought in to insure there is not an interruption in service. It will be removed within 24 hours of the power being restored. He explained the tower is owned by AT&T, operating on a lease with Vernon Golf Course for the use of the land and US Cellular is renting vertical space on the tower to co-locate the antennae.

Mr. Fruth pointed out to the Commission that the proposal is also for this CU to be modified such that co-locators do not have to go through a formal conditional use process in the future. The requests could then be handled through the Site Plan and Plan of Operation process. Mrs. Haukohl asked if there was a condition addressing abandonment of the tower? Mr. Fruth replied US Cellular is the co-locator, so the tower owner’s Conditional Use Permit, (AT&T), would govern the abandonment of the tower. To ensure the tower is safe, a Structural Analysis for the proposed improvements is also being required.

After discussion, Mr. Siepmann moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-11-VNT-7 (US Cellular) Town of Vernon, Sections 8, 9 and 17**

Mr. Fruth presented the “Staff Report and Recommendation” dated October 20, 2011, and made a part of these Minutes and stated the request is related to the previous CU-0550B.

After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Kolb to adjourn at 3:30 p.m.

Respectfully submitted,

Pat Haukohl

Pat Haukohl
Secretary
PH:es